

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-909V

Filed: November 5, 2015

UNPUBLISHED

DENNIS CARLSON,

*

*

Petitioner,

*

Ruling on Entitlement; Concession;
Influenza (Flu) Vaccine; Right Shoulder
Injury; Shoulder Injury Related to
Vaccine Administration (SIRVA);
Special Processing Unit (SPU).

*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Respondent.

*

*

Michael G. McLaren, Black McLaren, et al., PC, Memphis, TN, for petitioner.
Justine Elizabeth Walters, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On August 20, 2015, Dennis Carlson (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.,² [the “Vaccine Act”]. Petitioner alleged that he developed a shoulder injury related to vaccine administration (“SIRVA”) in his right arm as a result of receiving an influenza (“flu”) vaccine on November 3, 2014. Petition at 1. This case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 4, 2015, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1, 4. Specifically, respondent states that she “concedes that entitlement to compensation is appropriate under the terms of the Vaccine Act....” Id. at 4.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent further states that the records show that petitioner suffered the sequela of his injury for more than six months. Id.

In view of respondent's concession and the evidence presented, the undersigned finds that petitioner is entitled to compensation.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master